# The City of Liberty

**City Council**

**Regular Meeting**

**~ Minutes ~**

1829 Sam Houston
Liberty, TX 77575
www.cityofliberty.org

Dianne Tidwell
City Secretary
(936) 336-3684

**Tuesday, January 13, 2009** | **6:00 PM** | **City Council Chambers**

## I. CALL TO ORDER

The Meeting was called to order on January 13, 2009 at the City Council Chambers, 1829 Sam Houston, Liberty,TX at 6:01 PM by Mayor Carl Pickett.

## II. INVOCATION

The Invocation was led by Jonathon Sanford, Liberty Church of Christ.

## III. PLEDGE OF ALLEGIANCE

The Pledge of Allegiance to the American and Texas flags was led by Kelsey Rhodes, Liberty High School Senior.

## IV. ACKNOWLEDGEMENT OF GUESTS AND VISITORS / PUBLIC COMMENT

Mayor Pickett welcomed guests and visitors, opening the floor for public comment to those individuals wishing to address the Council regarding non-agenda items.

Mayor Pickett reported on the following items:

1. Recyclable bags donated by Waste Management. Mayor Pickett stated these bags are primarily used to replace plastic bags, are typical of what is seen in today's marketplace, and will help replace products that are harmful to the environment.

2. A meeting, attended by the Mayor, in Beaumont on December 16, 2008 regarding the allocation of a $1.3 Billion Community Development Block Grant for disaster relief. This grant will be administered by the Office of Rural Community Affairs.

## V. ITEMS OF INTEREST

### *1. Miscellaneous Correspondence*

#### 1. Information Item 2009-1

Comcast Cable Update

**COMMENTS - Current Meeting:**

City Manager Ron Wood reported on a recent communication from Comcast Cable. This update addressed increased business costs, customer service, and included a products and services price list.

**ATTACHMENTS:**

- Attachment #1 - Comcast Cable Jan 09 (PDF)

# VI. PRESENTATIONS / REPORTS

### 1. Information Item 2009-2

Financial Report

**COMMENTS - Current Meeting:**

Finance Director Naomi Herrington reported on the city's current financial status including revenues, expenditures, and cash flow. A lengthy discussion was held regarding insurance coverage, deductibles, and damages due to Hurricane Ike. Discussion was also held relative to the Humphreys Cultural Center Expansion Project and related funds.

**ATTACHMENTS:**

- Attachment #2 - Council finance DEC08 (XLS)

### 2. Information Item 2009-3

Texas Water Development Board Project Update - Steve Jordan, Schaumburg & Polk

**COMMENTS - Current Meeting:**

Steve Jordan, Schaumburg & Polk, was present to report on the Texas Water Development Board Project. A lengthy discussion was held regarding this project, including topics involving the wastewater treatment plant design, project financial information, the collection system and the Intended Use Plan.

Mr. Jordan reported that the design of the wastewater treatment facility improvements are nearly complete and anticipate having those to the Texas Water Development Board, by the end of January for their review. The review process is approximately 90 days and construction could possibly begin by June.

Mr. Jordan also reported that the flow monitoring of the collection system is complete and the hydraulic analysis is soon to begin. The collection system improvements will be identified and the final report available to council at the March meeting. Plans should be available for the state's review by January, 2010.

# VII. CONSENT AGENDA:

All consent items listed are considered to be routine by the City Council and will be enacted by one motion. There will be no separate discussion of these items unless a Council Member so requests, and if such a request is made, the item will be removed from the Consent Agenda and considered in a normal sequence on the agenda.

## *1. Minutes Approval*

**1.** Tuesday, December 09, 2008

# VIII. REGULAR AGENDA

## *A. Regular Session*

### 1. Council Action 2009-1

Consider Award of Bid for the Geraldine D. Humphreys Culltural Center Expansion Project.

**COMMENTS - Current Meeting:**

Architect Richard Edwards was present to review, with Council, bids received for the Humphreys Cultural Center Expansion Project. Mr. Edwards reported that ten sealed bids were opened on December 22, 2008 and ranged from $2,418,000 to $2,829,000. Low bidder was GTT Inc., Conroe, Texas, in the amount of $2,418,000.00. Mr. Edwards checked references and stated that GTT did numerous school district projects in amounts from $4 - 12 Million Dollars. He received good reviews from both the project owners and architects who also used GTT on multiple projects.

A lengthy discussion was held regarding additional sources of grant funds, private donations, Key Energy lease revenue, contractor's draw schedule, change orders, and other associated costs, and related items. Mr. Edwards will gather additional information regarding these issues.

There was no action taken on this agenda item.

**ATTACHMENTS:**

- Attachment #3 - Humphreys CC Expansion Bid Tabulation (PDF)

## 2. Council Action 2009-2

Consider Approval of the Final Replat of the Raven Hill Ranch Section 2 Subdivision.

**COMMENTS - Current Meeting:**

Ms. Candy Parker, Inspection Department, reported that Ms. Jean Murph has presented the final replat of the Raven Hill Ranch Section 2 Subdivsion. Due to an error in the layout of Maryville Lane in the original Section 2, a new plat must be filed and approved through the city's Subdivision Ordinance process.

A motion was made to approve the final re-plat of the Raven Hill Ranch Section 2 Subdivision.

**ATTACHMENTS:**

- Attachment #4 - Final Re-Plat of Raven Hill Ranch Phase II (TIF)

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|---|---|
| **RESULT:** | **APPROVED [UNANIMOUS]** |
| **MOVER:** | Frank Jordan, Councilperson |
| **SECONDER:** | Mike McCarty, Mayor Pro-Tem |
| **AYES:** | Pickett, Beasley, Huddleston, McCarty, Potetz, Jordan |
| **ABSENT:** | Al Simonson |

## 3. Council Action 2009-3

Consider Approval of a Variance Request for 1610 Wallisville Road.

**COMMENTS - Current Meeting:**

No action was taken on the variance request for 1610 Wallisville Road.

**ATTACHMENTS:**

- Attachment #5 - Brooks Variance Request (TIF)

## 4. Council Action 2009-4

Consider Approval of the Lease/Purchase of a Vacuum Truck for the Water & Wastewater Department.

**COMMENTS - Current Meeting:**

Discussion was held regarding the lease-purchase of a vacuum truck for the Water & Wastewater Department. Topics included vehicle specifications and intended use. Water & Wastewater Supt. Earl McCreight reported that this truck will also serve other departments in various ways and that daily maintenance of the water and sewer lines will assure increased flow and reduce repair costs.

A motion was made to approve the the lease-purchase of the vacuum truck.

**ATTACHMENTS:**

- Attachment #6 - Vacuum Trk W&W (PDF)

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| **RESULT:** | **APPROVED [UNANIMOUS]** |
| **MOVER:** | Mike McCarty, Mayor Pro-Tem |
| **SECONDER:** | Dennis Beasley, Councilperson |
| **AYES:** | Pickett, Beasley, Huddleston, McCarty, Potetz, Jordan |
| **ABSENT:** | Al Simonson |

### 5. Ordinance 2009-1

Consider Approval of an Amended Ordinance Regarding Arson.

**COMMENTS - Current Meeting:**

Fire Marshal Sean Matula was present to request that the current ordinance stipulating a $250.00 reward for the arrest and conviction of those found guilty of arson be amended. Mr. Matula asked that the reward be increased to $1000.00. Mr. Matula explained that the current reward is outdated and ineffective; stating that rewards encourage private citizens to get more involved in their moral duties and increase greater participation in reporting crime. These efforts help not only to reduce crime, but aid in apprehending criminals.

Mayor Pickett read the caption of the Ordinance into the record as follows:

"AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF LIBERTY, TEXAS, PROVIDING FOR THE AMENDMENT OF ORDINANCE NO. 538, AMENDING THE REWARD FOR THE ARREST AND CONVICTION OF PERSONS FOUND GUILTY OF ARSON; AND DISPENSING WITH THE REQUIREMENT OF SECTION 3.10 OF THE HOME RULE CHARTER THAT ALL ORDINANCES BE READ ON TWO SEPARATE DAYS."

A motion was made to adopt the ordinance increasing the reward for the arrest and conviction of persons found guilty of arson from $250 to $1000.

**ATTACHMENTS:**

- Attachment #7 - Arson Info S. Matula (PDF)

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| **RESULT:** | **ADOPTED [UNANIMOUS]** |
| **MOVER:** | Dennis Beasley, Councilperson |
| **SECONDER:** | Frank Jordan, Councilperson |
| **AYES:** | Pickett, Beasley, Huddleston, McCarty, Potetz, Jordan |
| **ABSENT:** | Al Simonson |

### 6. Resolution 2009-1

Consider a Resolution Authorizing Limited Administrative Approval of Minor Variances Related to Natural Disasters.

**COMMENTS - Current Meeting:**

City Attorney Randy Gunter explained that as a result of Hurricane Ike there has been an awareness regarding families being awarded FEMA trailers for placement adjacent to their residence, while repairs were being made. This resolution delegates authority to the Permit Department, the City Manager or his designee, to authorize, in limited disaster circumstances, the temporary placement of FEMA trailers near a single family residence during the repair period, if their residence is uninhabitable.

A motion was made to approve the Resolution subject to changing the word "trailers" to "manufactured homes".

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| **RESULT:** | **APPROVED [UNANIMOUS]** |
| **MOVER:** | Diane Huddleston, Councilperson |
| **SECONDER:** | Mike McCarty, Mayor Pro-Tem |
| **AYES:** | Pickett, Beasley, Huddleston, McCarty, Potetz, Jordan |
| **ABSENT:** | Al Simonson |

## 7. Council Action 2009-5

Consider Creation of the Airport Advisory Board.

**COMMENTS - Current Meeting:**

Discussion was held regarding the Airport Advisory Board, rules and regulations for this board, the mission statement, additional information on why management believes the board should not be recreated, condition of the Liberty Municipal Airport, current airport projects, and other related issues. This item will be placed on the February agenda in order to gather additional information as discussed above.

No action was taken on this agenda item.

**ATTACHMENTS:**

- Attachment #8 - AAB Dec 08 (PDF)

## 8. Council Action 2009-6

Consider Appointments to the Joint Airport Zoning Board.

**COMMENTS - Current Meeting:**

The Joint Airport Zoning Board was created by ordinance on April 9, 1985. The original board did not follow through with the completion of zoning the airspace around the Liberty Municipal Airport. This board consists of two members each from the City of Liberty, Liberty County, and the City of Ames. The purpose of the board is to work with the TxDOT Aviation Division in protecting the airspace around the airport by zoning with height restrictions. This board is being resurrected after some time with no activity.

City Manager Ron Wood recommended the appointments of Paul Henry and Josh Ellers to the Joint Airport Zoning Board.

A motion was made to approve the appointments of Paul Henry and Josh Ellers as recommended.

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| **RESULT:** | **APPROVED [UNANIMOUS]** |
| **MOVER:** | Louie Potetz, Councilperson |
| **SECONDER:** | Dennis Beasley, Councilperson |
| **AYES:** | Pickett, Beasley, Huddleston, McCarty, Potetz, Jordan |
| **ABSENT:** | Al Simonson |

## 9. Council Action 2009-7

Consider Acceptance of the Resignation of a City of Liberty Representative to the Sam Rayburn Municipal Power Agency.

**COMMENTS - Current Meeting:**

Charles McGuire tendered his resignation as a member of the Sam Rayburn Municipal Power Agency Board of Directors, effective January 7, 2009.

A motion was made to accept the resignation of Mr. McGuire.

**ATTACHMENTS:**

- Attachment #9 - McGuire Resignation (PDF)

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| **RESULT:** | **APPROVED [UNANIMOUS]** |
| **MOVER:** | Mike McCarty, Mayor Pro-Tem |
| **SECONDER:** | Dennis Beasley, Councilperson |
| **AYES:** | Pickett, Beasley, Huddleston, McCarty, Potetz, Jordan |
| **ABSENT:** | Al Simonson |

### 10. Resolution 2009-2

Consider a Resolution Regarding an Appointment to Fill the Unexpired Term of a City of Liberty Representative to the Sam Rayburn Municipal Power Agency, Board of Directors.

**COMMENTS - Current Meeting:**

Mayor Pickett read the caption of the Resolution into the record as follows:

"A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LIBERTY, TEXAS, APPOINTING A REPRESENTATIVE TO THE SAM RAYBURN MUNICIPAL POWER AGENCY BOARD OF DIRECTORS."

A motion was made to adopt the Resolution appointing Mayor Carl Pickett to replace Mr. Charles McGuire on the SRMPA Board of Directors.

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| **RESULT:** | **APPROVED [5 TO 0]** |
| **MOVER:** | Frank Jordan, Councilperson |
| **SECONDER:** | Mike McCarty, Mayor Pro-Tem |
| **AYES:** | Beasley, Huddleston, McCarty, Potetz, Jordan |
| **ABSTAIN:** | Carl Pickett |
| **ABSENT:** | Al Simonson |

## *B. Executive Session*

Personnel Matters. Gov. Code §551.074.

1. Discussion of personnel issues related to the Police Department.
2. Discussion of candidates for prosecutor for Municipal Court.

Deliberation Regarding Real Property. Gov. Code §551.072
Deliberation Regarding Economic Development Negotiation. Gov. Code §551.087.
3.. Discussion of the Union Pacific Rail Spur.

At 8:30 p.m., Mayor Pickett closed the open meeting and opened the Executive Session as authorized above.

## *C. Reconvene into Regular Session*

At 9:31 p.m., Mayor Pickett closed the Executive Session and reconvened the open meeting.

### 1. Council Action 2009-8

Consider the Appointment of a Prosecutor for the City of Liberty Municipal Court.

**COMMENTS - Current Meeting:**

Motion was made to appoint Jamie Carter to serve as prosecutor for the City of Liberty Municipal Court. Ms. Carter will replace Wes Hinch who was recently elected to the position of County Attorney.

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| **RESULT:** | **APPROVED [UNANIMOUS]** |
| **MOVER:** | Louie Potetz, Councilperson |
| **SECONDER:** | Dennis Beasley, Councilperson |
| **AYES:** | Pickett, Beasley, Huddleston, McCarty, Potetz, Jordan |
| **ABSENT:** | Al Simonson |

## IX. COUNCIL MEAL

Council shared an evening meal.

## X. ADJOURNMENT

**Motion To:** Adjourn

**COMMENTS - Current Meeting:**

There being no further business before the Council, the meeting was adjourned at 9:31 p.m.

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| **RESULT:** | **APPROVED [UNANIMOUS]** |
| **MOVER:** | Louie Potetz, Councilperson |
| **SECONDER:** | Dennis Beasley, Councilperson |
| **AYES:** | Pickett, Beasley, Huddleston, McCarty, Potetz, Jordan |
| **ABSENT:** | Al Simonson |

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Carl Pickett, Mayor

ATTEST:

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Dianne Tidwell, City Secretary